



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: **Breese et al.**

Serial No.: 10/062,369

Filed: **January 31, 2002**

For: **Method and System for  
Performance Reporting in a Network  
Environment**

**50170**

PATENT TRADEMARK OFFICE

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Group Art Unit: **2152**

Examiner: **Unknown**

Attorney Docket No.: **AUS920011024US1**

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

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By:

*Rebecca Clayton*  
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**TRANSMITTAL DOCUMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:  
ENCLOSED HEREWITH:

- Supplemental Information Disclosure Statement;
- Form PTO/SB/08;
- References AA-AP; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

*Stephen J. Walder, Jr.*

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Registration No. 41,534

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ATTORNEY FOR APPLICANTS



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached PTO/SB/08 be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. 1.97.

Please charge any fees necessary for prosecution of the present application to Deposit Account No. 09-0447. If any extension of time is required, such extension is hereby requested. Please charge any additional required fee for extension of time to Deposit Account No. 09-0447.

In accordance with 37 C.F.R. 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standards of materiality defined in 37 C.F.R. 1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. 1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. 1.97(g), the

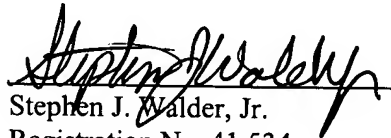
filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

This Supplemental Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) within three months of the filing date of the application, or before the mailing date of a first office action on the merits. No fee is required.

Respectfully submitted,

Date:

June 28, 2005



Stephen J. Walder, Jr.

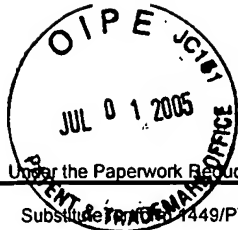
Registration No. 41,534

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 2

**Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/062,369        |
| Filing Date            | 01/31/2002        |
| First Named Inventor   | Stephen S. Breese |
| Art Unit               | 2152              |
| Examiner Name          | Not Known         |
| Attorney Docket Number | AUS920011024US1   |

**U. S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|-----------------------------------|--|---|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                   |  |   |
|                       | AA                       | US- 6,151,688                            | 11-21-2000                        | Wipfel et al.                                      |   |
|                       | AB                       | US- 5,459,837                            | 10-17-1995                        | Caccavale, Frank S.                                |   |
|                       | AC                       | US- 6,070,190                            | 05-30-2000                        | Reps et al.  |   |
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|                       | AI                       | US- 6,457,143 B1                         | 09-24-2002                        | Yue, Po Cheung                                     |   |
|                       | AJ                       | US- 6,055,493                            | 04-25-2000                        | Ries et al.  |   |
|                       | AK                       | US- 2003/0061232 A1                      | 03-27-2003                        | Patterson, Eugene C.                               |   |
|                       | AL                       | US- 2004/0078684 A1                      | 04-22-2004                        | Friedman et al.                                    |   |
|                       |                          | US-                                      |                                   |  |   |
|                       |                          | US-                                      |                                   |  |   |
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**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
|                       |                          | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sheet 2

of

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| Examiner Name          | Not Known         |
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**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|--------------------|-----------------------|---|----------------|
|                    | AM                    | GAIDIOZ ET AL., "Synchronizing Network Probes to avoid Measurement Intrusiveness with the Network Weather Service", 2000, www.cs.utk.edu/~rich/publications/nws-period.ps.gz, pp. 1-9.  |                |
|                    | AN                    | CLARK ET AL., "Application-Level Measurements of Performance on the vBNS", 1999, www.cs.unc.edu/~jeffay/papers/ICMCS-99.ps, 5 pages.  |                |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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